

## REMARKS/ARGUMENTS

### **1.) Claim Amendments**

The Applicant has cancelled claims 29-30, 41-42 and 47-54, and amended claims 28, 31, 34-37, 40 and 43-46. Claims 28, 31-40 and 43-46 remain pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **2.) Examiner Objections - Claims**

The Examiner objected to claims 30 and 42 as being grammatically incorrect. The Applicant has amended the limitations of claims 30 and 42 to clarify the subject matter thereof and incorporated those claims into their respective base claims, claims 28 and 40, respectively. The Examiner's consideration of the amended claims is respectfully requested.

### **3.) Claim Rejections – 35 U.S.C. §112**

The Examiner rejected claims 47 and 48 as being indefinite. The Applicant has cancelled claims 47-54, without prejudice, to expedite the processing of the application. Therefore, the Examiner's rejection of claims 47 and 48 is moot.

### **4.) Claim Rejections – 35 U.S.C. §103(a)**

The Examiner rejected claims 28-54 as being unpatentable over Vaughan (*Static performance of a divide-and-conquer information-distribution protocol supporting a load-balancing scheme*) in view of Walsh (US 6,233,601) and Applicant's "admitted prior art." The Applicant notes that the Examiner's stated reasons for rejection of each of those claims are not all based on the combination of those three references; in particular, the Applicant notes that independent claims 28-30 and 40-42 are rejected only in view of Vaughan and Walsh. The Applicant traverses all of the claim rejections.

### **Claims 28 and 40**

Claim 28, as amended to include the limitations of claims 29 and 30, recites:

28. A method for managing the respective processing loads of a plurality of processors in a processor network, comprising the steps of:

a first network management processor issuing a processing load information collection message to an adjacent processor;

said adjacent processor adding into the message its analyzed processing load information and forwarding said message to yet another processor of the processor network which repeats the adding and forwarding functions; wherein,

a processor forwards the message with the added processing load information to the first network management processor, which determines, on the basis of the processing load information of the processors stored in said processing load information collection message, a load balancing technique for load distribution among the processors in said processor network;

wherein said processing load information collection message is a first processing load exploration program unit, wherein said processing load exploration program unit analyzes the respective processing load of each of the processors to which it is forwarded and stores corresponding processing load information; and,

wherein the determination by said first network management processor of said load balancing technique comprises determining a respective load balancing method for each of said processors.  
(emphasis added)

The Applicant's invention relates to balancing the load of a plurality of processors in a network of processors. A processing load information collection message is sent from processor to processor; *i.e.*, from a "first network management processor" to an "adjacent processor," and subsequently to "yet another processor." At each processor, the processor adds its analyzed processing load information to the message before forwarding the message. Eventually, a processor determines, on the basis of the processing load information accumulated in the processing load information collection message, a load balancing technique for load distribution among the processors. As amended, it is noted that the processing load information collection message is a program unit, which program unit functions to analyzes the respective processing load of each processor to which it is forwarded. Furthermore, the determination of the load balancing technique determines a respective load balancing technique for each of the processors.

In contrast to the claimed invention, Vaughan does not show a determination of a load balancing technique for each of a plurality of processors. Rather than determining a load balancing technique for each processor, Vaughan merely applies one particular load balancing technique (see p.431, col.2, paragraph 5). Therefore, Vaughan does not teach a mechanism through which a load balancing technique can be selected, such as the claimed mechanism of routing a processing load information collection message amongst processors in a network, each of which adds its analyzed processing load information to the message before forwarding the message. Furthermore, as recognized by the Examiner, Vaughan fails to teach a load-balancing mechanism for a plurality of networked processors in which a program unit is routed from processor to processor, wherein the program unit functions to analyze the respective processing load of each processor to which it is forwarded.

The Examiner has looked to the teachings of Walsh to overcome the deficiencies of Vaughan. Walsh, however, does not relate to the problems associated with load balancing the load of a networked plurality of processors. Even if the teachings of Walsh are combined with the teachings of Vaughan, the combination fails to yield a method for managing the respective processing loads of a plurality of processors whereby the determination of the load balancing technique includes determining a respective load balancing technique for each of the processors, rather than merely a single load balancing technique. Therefore, claim 28, as amended to include the limitations of claims 29 and 30, is not obvious over Vaughan in view of Walsh. Whereas claim 40, as amended to include the limitations of claims 41 and 42, recites limitations analogous to those of claim 28, it is also not obvious over Vaughan in view of Walsh.

### **Claims 31 and 43**

As explained *supra*, the Applicant's invention is characterized by the determination of the load balancing technique including determining a respective load balancing technique for each of the processors. In claims 31 and 43, this functionality is extended by including, in at least one of the processors, a stored plurality of load balancing methods, wherein the first network management processor sends a load balancing method activation message to the at least one processor for activating the

load balancing method determined for the processor. Neither Vaughan nor Walsh disclose the storing of a *plurality* of load balancing methods, one of which can be triggered by a load balancing activation message. Therefore, claims 31 and 43 are also not obvious over those references.

**Claims 34-40 and 44-46**

Whereas claims 34-40 and 44-46 are dependent from claims 28 and 40, respectively, and include the limitations thereof, they are also not obvious in view of those references.

**CONCLUSION**

In view of the foregoing amendments and remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 28, 31-40 and 43-46.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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